

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

KPM ANALYTICS NORTH AMERICA
CORPORATION,

Plaintiff.

V.

Civil Action No. 21-10572-MRG

BLUE SUN SCIENTIFIC, LLC, THE
INNOVATIVE TECHNOLOGIES GROUP &
CO., LTD., ARNOLD EILERT, MICHELLE
GAJEWSKI, ROBERT GAJEWSKI,
RACHAEL GLENISTER, GREGORY
ISRAELSON, IRVIN LUCAS, AND PHILIP
OSSOWSKI,

Defendants.

[PROPOSED] VERDICT FORM

Instructions: When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Please refer to the Jury Instructions for guidance on the law applicable to the subject matter covered by each question.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case:

I. Trade Secret Misappropriation

1. Did Blue Sun, ITG, Arnold Eilert, Robert Gajewski, Rachael Glenister, Irvin Lucas, or any combination of the defendants misappropriate KPM's trade secrets?

Answering "Yes" below indicates a finding for KPM.

Answering "No" below indicates a finding for the defendant.

As to Blue Sun and ITG: YES _____ NO _____

As to Arnold Eilert: YES _____ NO _____

As to Robert Gajewski: YES _____ NO _____

As to Rachael Glenister: YES _____ NO _____

As to Irvin Lucas: YES _____ NO _____

Only answer Question 2 if you answered “Yes” to Question 1 as to at least one of the defendants.

2. If you found that any of the defendants misappropriated KPM’s trade secrets, was that trade secret misappropriation willful and malicious?

Answering “Yes” below indicates a finding for KPM.

Answering “No” below indicates a finding for the defendant.

As to Blue Sun and ITG: YES _____ NO _____

As to Arnold Eilert: YES _____ NO _____

As to Robert Gajewski: YES _____ NO _____

As to Rachael Glenister: YES _____ NO _____

As to Irvin Lucas: YES _____ NO _____

II. Breach of Contractual Non-Disclosure Obligations

3. Did Arnold Eilert, Robert Gajewski, Rachael Glenister, Irvin Lucas, or any combination of the Individual Defendants breach his or her non-disclosure obligations with regard to KPM's confidential information?

Answering "Yes" below indicates a finding for KPM.

Answering "No" below indicates a finding for the defendant.

As to Arnold Eilert: YES _____ NO _____

As to Robert Gajewski: YES _____ NO _____

As to Rachael Glenister: YES _____ NO _____

As to Irvin Lucas: YES _____ NO _____

III. Violation of the Covenant of Good Faith and Fair Dealing

4. Did Arnold Eilert, Robert Gajewski, Rachael Glenister, Irvin Lucas, or any combination of the Individual Defendants violate the covenant of good faith and fair dealing owed to KPM?

Answering “Yes” below indicates a finding for KPM.

Answering “No” below indicates a finding for the defendant.

As to Arnold Eilert: YES _____ NO _____

As to Robert Gajewski: YES _____ NO _____

As to Rachael Glenister: YES _____ NO _____

As to Irvin Lucas: YES _____ NO _____

IV. Breach of the Duty of Loyalty

5. Did Arnold Eilert, Robert Gajewski, Rachael Glenister, Irvin Lucas, or any combination of the Individual Defendants breach his or her duty of loyalty owed to KPM?

Answering “Yes” below indicates a finding for KPM.

Answering “No” below indicates a finding for the defendant.

As to Arnold Eilert: YES _____ NO _____

As to Robert Gajewski: YES _____ NO _____

As to Rachael Glenister: YES _____ NO _____

As to Irvin Lucas: YES _____ NO _____

V. Tortious Interference with Contractual Relations

- 6.** Did Blue Sun and/or ITG tortiously interfere with KPM's contractual relationships?

Answering "Yes" below indicates a finding for KPM.

Answering "No" below indicates a finding for the defendant.

YES _____ NO _____

VI. Unfair and Deceptive Trade Practices (Chapter 93A)

7. Did Blue Sun and/or ITG engage in unfair or deceptive acts or trade practices?

Answering “Yes” indicates a finding for KPM.

Answering “No” indicates a finding for defendants.

YES _____ NO _____

Only answer Question 8 only if you answered “Yes” to Question 7.

- 8.** Did Blue Sun and/or ITG commit an unfair or deceptive act or trade practice willfully or knowingly?

Answering “Yes” indicates a finding for KPM.

Answering “No” indicates a finding for defendants.

YES _____ NO _____

Only answer Question 9 if you answered “Yes” to any of the preceding questions.

9. Did KPM suffer damages as a result of any of the defendants’ actions and, if so, how much?

Indicate a dollar amount below.

As to Blue Sun and ITG: Amount \$ _____

As to Arnold Eilert: Amount \$ _____

As to Robert Gajewski: Amount \$ _____

As to Rachael Glenister: Amount \$ _____

As to Irvin Lucas: Amount \$ _____

PROCEED TO CERTIFICATION

CERTIFICATION

I hereby certify that the foregoing answers are the unanimous answers of the jury.

Dated: _____

Foreperson: _____